

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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HENRY ALTAMIRANO,

Petitioner,

v.

WARDEN TIM GARRETT, *et al.*,

Respondents.

Case No. 3:23-cv-00266-MMD-CSD

ORDER

Petitioner Henry Altamirano, a *pro se* Nevada prisoner, submitted a Petition for Writ of Habeas Corpus (ECF No. 1-1) under 28 U.S.C. § 2254. On July 6, 2023, the Court instructed Petitioner to submit a complete application to proceed *in forma pauperis* (“IFP”) or pay the \$5.00 filing fee. (ECF No. 4.) On July 7, 2023, Petitioner filed his financial certificate. (ECF No. 3.)

A \$5.00 filing fee is required to initiate a habeas action in a federal district court. See 28 U.S.C. § 1914(a); Judicial Conference Schedule of Fees. The Court may authorize a person to begin an action without prepaying fees and costs if the person demonstrates indigency. See 28 U.S.C. § 1915; LSR 1-1; LSR 1-2. The IFP application must be submitted on the form provided by the Court and include specific financial information and a declaration confirming under the penalty of perjury that the financial information is true. See *id.*

The financial certificate shows that Petitioner is able to pay the \$5.00 filing fee. Thus, he does not qualify for a fee waiver. The Court therefore denies the IFP application and gives Petitioner 45 days to pay the \$5.00 filing fee.

It is therefore ordered that the initial screening of the Petition for Writ of Habeas Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases is deferred until Petitioner has fully complied with this order.

1 It is further ordered that, within 45 days of the date of this order, Petitioner must  
2 pay the \$5.00 filing fee.

3 The Clerk of Court is directed to send Petitioner two copies of this order. If  
4 Petitioner decides to pay the filing fee from his inmate account, he must arrange to have  
5 a copy of this order attached to the check for the filing fee.

6 It is further ordered that Petitioner's failure to comply with this order within 45 days  
7 by paying the filing fee will result in the dismissal of this action without prejudice and  
8 without further advance notice.

9 DATED THIS 13<sup>th</sup> Day of July 2023.

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13 MIRANDA M. DU  
14 CHIEF UNITED STATES DISTRICT JUDGE  
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